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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,192	07/27/2001	Timothy Dawson	46918/DBP/M521	9619

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EXAMINER

REDMAN, JERRY E

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 05/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/917,192

Applicant(s)

DAWSON, TIMOTHY

Examiner

Jerry Redman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 32 is/are allowed.
- 6) ☒ Claim(s) 1-14 and 23-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claims 1-14 and 23-31 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, lines 9-10, and claim 23, lines 10-11, the phraseology "wherein the substantially rigid portion and the substantially plastic portion are of the same plastic" is not readily understood by the Examiner. How can one portion contain long fibers and the other portion be free of long fibers and both portions are from the same plastic?

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

As best understood, claims 1-14 and 23-31 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese patent #5-330343 in view of Seksaria et al. Japanese patent #5-330343 discloses a vehicle door comprising an inside panel (72) having a cut-out recess (61), and a door module (8 and 9) formed of plastic (rigid portion) and having electrical connections and clips, and a weather seal (6-elastic portion) formed about the periphery thereof which further acts to "direct" water away from the recessed opening. Japanese patent #5-330343 fails to disclose the rigid portion of the module to be formed of fiber reinforced plastic. Seksaria et al. disclose a door assembly formed of fiber reinforced plastic. It would have been obvious to one of

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ordinary skill in the art at the time of the invention to provide the module of Japanese patent #5-330343 with fiber reinforced plastic as taught by Seksaria et al. since fiber reinforced plastic is cheaper to manufacture, stronger, and lighter than conventional plastic. With respect to claims 3 and 26, it would have been further obvious to one of ordinary skill in the art at the time of the invention to provide a plurality of weather seals since more than one weather seal provides an extra preventive measure in ensuring a dry area within the door. With respect to claims 11, 12, and 13, it would have been a matter of design choice to provide any amount or percentage of long glass fibers within the door structure since one of ordinary skill in the art would maximize the strength verses costs to manufacture.

Claim 32 is allowable.


The applicant's arguments have been considered but are not deemed to be persuasive. It appears that the applicant is arguing that integral vs. separate is patentable. Making Integral: In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) (A claim to a fluid transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a brake drum integral with a clamping means, whereas the brake disc and clamp of the prior art comprise several parts rigidly secured together as a single unit. The court affirmed the rejection holding, among other reasons, "that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice.");

but see *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) (Claims were directed to a vibratory testing machine (a hard-bearing wheel balancer) comprising a holding structure, a base structure, and a supporting means which form "a single integral and gaplessly continuous piece." Nortron argued that the invention is just making integral what had been made in four bolted pieces. The court found this argument unpersuasive and held that the claims were patentable because the prior art perceived a need for mechanisms to dampen resonance, whereas the inventor eliminated the need for dampening via the one-piece gapless support structure, showing insight that was contrary to the understandings and expectations of the art.). Furthermore, the applicant is correct in stating that Seksaria teaches that "the elongated first elements and elongated second elements are preferably made from a metal of suitable strength, such as aluminum in wire, bar, rod, or strip form" as stated in column 4, lines 30-32; BUT, in column 3, lines 33-37 (just after the applicant's previous citation), "these elements may also be made of resinous polymers, such as the material sold under trade designation KEVLAR, or fiber reinforced tapes". Still furthermore, it appears that the applicant's arguments are more limiting than that of the claims. Claim 1 broadly recites the following: a door module comprising 1) a "substantially" rigid portion having long glass fibers and 2) a "substantially" elastic portion free of long glass fibers. Since the applicant has failed to even limit "the door module" per se, claim 1 would read on any piece of material having two types of plastic.

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Any inquiry concerning this communication should be directed to Jerry Redman
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Jerry Redman
Primary Examiner